

MONDAY, JANUARY 14, 2002
SIXTY-NINTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Shaw.

Representative Shaw led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Brown; personal reasons.

Representative Garrett; illness.

Representative McKee; business reasons.

ENROLLED BILLS
January 11, 2002

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 274 and 276.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
January 11, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 197; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED
January 11, 2002**

The Speaker signed the following: Senate Bill(s) No(s). 197.

**SIGNED
January 14, 2002**

The Speaker signed the following: House Bill(s) No(s). 274 and 276.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
January 14, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 274 and 276; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
January 14, 2002**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 274 and 276.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
January 14, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 482, 483, 484, 485 and 487; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 482 -- Memorials, Death - Leah Rose Werthan. by *Henry, *Cohen, *Harper, *Haynes.

Senate Joint Resolution No. 483 -- Memorials, Death - Mary Jane Werthan. by *Henry, *Cohen, *Harper, *Haynes, *Herron.

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Senate Joint Resolution No. 484 -- Memorials, Death - George Oliver Benton. by *Carter, *Williams, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder.

Senate Joint Resolution No. 485 -- Memorials, Public Service - Clark Baker. by *Henry, *Herron, *Harper.

Senate Joint Resolution No. 487 -- Memorials, Death - Sammie Lynn Puett of Knoxville. by *Burchett, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for January 17, 2002:

House Joint Resolution No. 600 -- Memorials, Death - Drue H. Smith. by *Davidson.

House Joint Resolution No. 601 -- Memorials, Death - William Ealon Martin. by *Rhinehart.

House Joint Resolution No. 602 -- Memorials, Recognition - William "Clyde" Stephens, Jr., Emergency Medical Technician Gold Medal Award. by *Fraleigh.

House Joint Resolution No. 603 -- Memorials, Public Service - Teddy Bart and Karlen Evins for their work in "Teddy Bart's Round Table" and its extension through "The Public Forum," a not-for-profit educational broadcast foundation. by *West, *Kisber.

House Joint Resolution No. 604 -- Memorials, Sports - Riverdale High School football team, TSSAA Class 5A champions. by *Hood, *Rowland, *Beavers.

House Joint Resolution No. 605 -- Memorials, Recognition - Lawrenceburg Kiwanis Club, a Tennessee State Championship Barbecue Cook-Off. by *White.

House Joint Resolution No. 606 -- Memorials, Heroism - Commander John Anthony Feldhaus, U.S. Navy. by *White.

House Joint Resolution No. 607 -- Memorials, Congratulations - Charles Michael Layne. by *Lewis.

House Joint Resolution No. 608 -- Memorials, Congratulations - Alice D. Bailey. by *Lewis.

House Joint Resolution No. 609 -- Memorials, Sports - John L. Beaty, TSSAA Class 5A "Mr. Football". by *Hood, *Rowland, *Beavers.

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House Joint Resolution No. 610 -- Memorials, Sports - Kennedy Cooper. by *Hargrove.

House Joint Resolution No. 611 -- Memorials, Sports - Ralph King, TSSAA Class 5A "Mr. Football". by *Hood, *Rowland, *Beavers.

House Joint Resolution No. 612 -- Memorials, Recognition - Hendley Family Association, Inc. by *Hargrove.

House Joint Resolution No. 613 -- Memorials, Sports - Kendall Newson, All-American candidate, Middle Tennessee State University wide receiver. by *Hood, *Rowland, *Beavers.

House Joint Resolution No. 614 -- Memorials, Sports - Dwone Hicks, MTSU Running Back. by *Hood, *Rowland, *Beavers.

House Joint Resolution No. 615 -- Memorials, Sports - Wes Counts, MTSU Quarterback. by *Hood, *Rowland, *Beavers.

House Joint Resolution No. 616 -- Memorials, Sports - Middle Tennessee State University football team, Sun Belt Conference champions. by *Hood.

House Joint Resolution No. 617 -- Memorials, Personal Achievement - Myers Browning Parsons, Sr., 2002 Heart Ball Honoree. by *Hood, *Beavers.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for January 17, 2002:

Senate Joint Resolution No. 482 -- Memorials, Death - Leah Rose Werthan. by *Henry, *Cohen, *Harper, *Haynes.

Senate Joint Resolution No. 483 -- Memorials, Death - Mary Jane Werthan. by *Henry, *Cohen, *Harper, *Haynes, *Herron.

Senate Joint Resolution No. 484 -- Memorials, Death - George Oliver Benton. by *Carter, *Williams, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder.

Senate Joint Resolution No. 485 -- Memorials, Public Service - Clark Baker. by *Henry, *Herron, *Harper.

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Senate Joint Resolution No. 487 -- Memorials, Death - Sammie Lynn Puett of Knoxville. by *Burchett, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsa, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 2094** -- Environmental Preservation - Authorizes court to issue temporary restraining order, in addition to temporary or permanent injunction, to enforce landfill regulations. Amends TCA Title 68, Chapter 213. by *Turner (Davidson), *Jones, S., *West, *Langster, *Odom.

***House Bill No. 2095** -- Environmental Preservation - Expands agreements requiring prior approval for construction of landfill from contracts to binding agreements of any kind. Amends TCA Title 68, Chapter 213. by *Turner (Davidson), *Jones, S., *West, *Langster, *Odom.

***House Bill No. 2096** -- Environmental Preservation - Includes limited liability company within definition of "person" for purposes of landfill regulation. Amends TCA Title 68, Chapter 213. by *Turner (Davidson), *Jones, S., *West, *Langster, *Odom.

***House Bill No. 2097** -- Environmental Preservation - Adds wetland areas with significant potential for enhancement of water quality to list of wetlands inventory. Amends TCA Title 11, Chapter 14. by *Turner (Davidson), *Jones, S., *West, *Langster, *Odom.

***House Bill No. 2098** -- Conservation - Includes ornaments within definition of "burial object" for archaeological purposes. Amends TCA Title 4 and Title 11, Chapter 6. by *Turner (Davidson), *Jones, S., *West, *Langster, *Odom.

***House Bill No. 2099** -- Environmental Preservation - Requires owner or operator of landfill to use native grasses to cover landfill when it has ceased operation. Amends TCA Title 68, Chapter 213. by *Turner (Davidson), *Jones, S., *West, *Langster, *Odom.

***House Bill No. 2100** -- Environmental Preservation - Expands values protected in Class II scenic area to include ecological, as well as natural and scientific, values. Amends TCA Title 11. by *Turner (Davidson), *Jones, S., *West, *Langster, *Odom.

***House Bill No. 2101** -- Health Care - Deletes requirement physician assistant write name of supervising physician and physician assistant on prescription; requires physician assistant sign name on prescription with name of supervising physician and physician assistant printed on it. Amends TCA Title 63, Chapter 19, Part 1. by *Shepard, *Rhinehart, *Turner (Davidson).

House Bill No. 2102 -- Sevier County - Subject to local approval, creates five school board districts of substantially equal population. - Repeals Chapter 380 of the Private Acts of 1927; as amended. by *Montgomery.

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House Bill No. 2103 -- Sevier County - Subject to local approval, permits Sevier County to elect general sessions court clerk. Amends Chapter 104 of the Private Acts of 1998. by *Montgomery.

House Bill No. 2104 -- Sevier County - Subject to local approval, authorizes Sevier County to conduct nonpartisan school board elections during county's primary election. by *Montgomery.

***House Bill No. 2105** -- Health Care - Provides for emergency administration of glucagon to students and school personnel by qualified school personnel. Amends TCA Title 49, Chapter 5 and Title 68, Chapter 140, Part 5. by *Black.

House Bill No. 2106 -- School Transportation - Prohibits issuance of certificate to drive school bus in this state if applicant has been convicted of DUI, vehicular assault, vehicular homicide, or aggravated vehicular assault within five years of application for certificate; discretionary with board if five years or more. Amends TCA Title 49 and Title 55. by *Ferguson, *Harwell.

***House Bill No. 2107** -- Nurses, Nursing - Licenses certain medical technicians and revises education and training requirements for diploma nurses. Amends TCA Title 63. by *Whitson.

***House Bill No. 2108** -- Naming and Designating - Names National Guard Armory in Erwin in honor of "Erwin Nine.". by *Whitson.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 2049** -- State Employees -- House State and Local Government Committee

***House Bill No. 2050** -- State Employees -- House State and Local Government Committee

***House Bill No. 2051** -- Military -- House Education Committee

***House Bill No. 2052** -- Highways, Roads and Bridges -- Caption Bill Held on House Desk

***House Bill No. 2053** -- Correction, Dept. of -- House State and Local Government Committee

***House Bill No. 2054** -- State Symbols -- House State and Local Government Committee

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- *House Bill No. 2055** -- Firearms and Ammunition -- House Judiciary Committee
- House Bill No. 2056** -- Columbia -- Local Bill Held on House Desk
- House Bill No. 2057** -- Weakley County -- Local Bill Held on House Desk
- House Bill No. 2058** -- Weakley County -- Local Bill Held on House Desk
- *House Bill No. 2059** -- Highway Signs -- House Transportation Committee
- *House Bill No. 2060** -- Highway Signs -- House Transportation Committee
- *House Bill No. 2061** -- Motor Vehicles, Titling and Registration -- House Transportation Committee
- House Bill No. 2062** -- Lauderdale County -- Local Bill Held on House Desk
- *House Bill No. 2063** -- Mental Health and Developmental Disabilities, Dept. of -- Caption Bill Held on House Desk
- *House Bill No. 2064** -- Hospitals and Health Care Facilities -- House Health and Human Resources Committee
- *House Bill No. 2065** -- Property Assessors -- House State and Local Government Committee
- *House Bill No. 2066** -- TennCare -- Caption Bill Held on House Desk
- *House Bill No. 2067** -- TennCare -- House Commerce Committee
- *House Bill No. 2068** -- TennCare -- Caption Bill Held on House Desk
- *House Bill No. 2069** -- Education, Higher -- House Education Committee
- *House Bill No. 2070** -- Taxes, Gasoline, Petroleum Products -- House Transportation Committee
- House Bill No. 2071** -- Mental Illness -- Caption Bill Held on House Desk
- *House Bill No. 2072** -- Taxes, Sales -- House Finance, Ways and Means Committee
- *House Bill No. 2073** -- Taxes, Real Property -- House Finance, Ways and Means Committee
- *House Bill No. 2074** -- TennCare -- Caption Bill Held on House Desk
- *House Bill No. 2075** -- Insurance Companies, Agents, Brokers, Policies -- Caption Bill Held on House Desk

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***House Bill No. 2076** -- Pharmacy, Pharmacists -- House Government Operations Committee

***House Bill No. 2077** -- State Employees -- House State and Local Government Committee

***House Bill No. 2078** -- Pharmacy, Pharmacists -- House Government Operations Committee

***House Bill No. 2079** -- Transportation, Dept. of -- House Transportation Committee

***House Bill No. 2080** -- Game and Fish Laws -- House Conservation and Environment Committee

***House Bill No. 2081** -- Solid Waste Disposal -- House State and Local Government Committee

***House Bill No. 2082** -- Civil Procedure -- House Judiciary Committee

***House Bill No. 2083** -- Campaigns and Campaign Finance -- House State and Local Government Committee

***House Bill No. 2084** -- Ethics -- House State and Local Government Committee

***House Bill No. 2085** -- Tobacco Master Settlement Agreement -- House Finance, Ways and Means Committee

***House Bill No. 2086** -- Education -- House Education Committee

***House Bill No. 2087** -- Insurance Companies, Agents, Brokers, Policies -- House Commerce Committee

***House Bill No. 2088** -- Forest and Forest Products -- Caption Bill Held on House Desk

***House Bill No. 2089** -- Health Care -- House Government Operations Committee

***House Bill No. 2090** -- Pharmacy, Pharmacists -- House Government Operations Committee

***House Bill No. 2091** -- Pharmacy, Pharmacists -- House Commerce Committee

***House Bill No. 2092** -- Consumer Protection -- House Judiciary Committee

***House Bill No. 2093** -- Solid Waste Disposal -- House State and Local Government Committee

ANNOUNCEMENTS

RULES SUSPENDED

On motion of Rep. Davidson, and seconded by Rep. McDaniel, **Rule No. 77** was suspended to extend the cutoff date for filing bills to Thursday, January 31, 2002. Without objection, it was so ordered.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1477: Rep(s). Bowers as first prime sponsor(s).

MESSAGE FROM THE SENATE
January 14, 2002

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 594, 595, 596 and 597; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 9:00 a.m., Thursday, January 17, 2002.